IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

MACA.No. 1073 of 2006()

OPMV.3136/2000 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THRISSUR
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APPELLANT/PETITIONER

PRAVEENA, REP. BY FATHER
D/O.BALAKRISHNAN, ANTHUVALAPPIL HOUSE,
AGATHIYUR.

BY ADV. SRI.SHEJI P.ABRAHAM

RESPONDENTS:
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1. VENUGOPALAN.T.U.,
THOTTIPARAMBIL HOUSE, VENGITANGU, THRISSUR.

2. A.K.SAJEEV, FRIENDS SANITATIONS,
XIII/254, CASINO COMPLEX, THRISSUR.

3. NEW INDIA ASSURANCE CO.LTD.,
PERINCHERY BUILDING, ROUND NORTH,
THRISSUR.

R1 & R2 BY ADV. SRI.P.G.SURESH
SRI.MATHEWS JACOB (SR.)
SRI.P.JACOB MATHEW

THIS MOTOR ACCIDENTSS CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & ANTONY DOMINIC,JJ.

M.A.C.A.NO.1073 OF 2006

Dated this the 26th day of March, 2007

JUDGMENT

Antony Dominic,J.

The claimant in O.P.(MV).No.3136/2000 on the file of the Motor Accidents Claims Tribunal, Trichur is the appellant. It is stated that on 21/10/2000 when the claimant was walking through the side of a public road, a Jeep bearing Regn.No.KL/8/L/7335 driven by the lst respondent hit the claimant and as a result of the accident, she sustained serious injuries. In the claim petition though a total amount of Rs.2 lakhs was claimed as compensation under different heads, the Tribunal, by the impugned award, awarded a total sum of Rs.79,000/- with 6% interest thereon from 10/11/2000 until the date of realisation. It is aggrieved by the award that the claimant has come up in appeal.

2. During the course of the argument the learned counsel for the appellant confined his submission to the amount awarded towards future treatment of the claimant. It is stated that the Tribunal has awarded only Rs.22,000/- under this head and this is too low to meet the future requirements. The counsel for the appellant/claimant has placed before us a

certificate dated 24/3/2007 issued by a Doctor (V.G. Aniljith) of Elite Mission Hospital, Thrissur certifying that the claimant requires multiple plastic surgery to correct the deformity and that the expenditure for this will be Rs.1 lakh. The counsel has also made available certain photographs in support of his contentions.

3. After hearing the counsel for the appellant and the Insurance Company, we are satisfied that this is a matter which requires to be examined by the Tribunal itself in the light of the evidence that is now placed before us.

4. In the result, we remand the matter back to the Tribunal with a direction to permit the claimant to place on record the medical certificate and the photographs now made available to us, and the Tribunal shall consider the claim of the appellant for enhancement of compensation towards the future treatment alone. The Standing Counsel for the Insurance Company has also pointed out a mistake in the award. According to him, even if the compensation awarded is correctly quantified, it will be only Rs.69,000/- as against Rs.79,000/- mentioned at the concluding portion of the award. This is also a matter which is to be looked into by the Tribunal itself.

5. In the result, the matter is remanded back to the Tribunal. The Tribunal shall afford the claimant a fresh opportunity to place the medical certificate mentioned above and the photographs on record and also afford her an opportunity to adduce evidence and re-examine the claim for enhancement regarding the claim for future treatment expenses.

The appeal is disposed of as above.

P.R.RAMAN,
Judge.

ANTONY DOMINIC,
Judge.

kcv.